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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,678

03/21/2005

David A. Bell

GB 020155

4638

24737

7590

03/08/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIFERAW, EILEEN A

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

03/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,678

Applicant(s)

BELL, DAVID A.

Examiner

ELENI A. SHIFERAW

Art Unit

2436

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10, 12 and 14-19 are pending.

Response to Amendment

2. The Office tried to reach the applicant's undersigned attorney, Dan Piotrowski, at 914 333 9624, and left messages multiple times but never got back to the office. The examiner called to expedite the processes and move the case forward. The Office herein generates New Grounds of rejection as disclosed below.

Response to Arguments

3. Applicant's arguments, filed on 12/11/2009, have been fully considered but are moot in view of the new ground(s) of rejection.
4. The objection to the abstract/specification is withdrawn in view of applicant's amendment.
5. The 101 rejection to claim 20 is withdrawn in view of cancelled claim.
6. The objection to claim 1 is withdrawn in view of applicant's amendment.
7. The objection to claim 4 is withdrawn in view of applicant's amendment.
8. The objections to claim 6 are withdrawn in view of applicant's amendment.
9. The objections to claim 10 are withdrawn in view of applicant's amendment.
10. The objection to claim 12 is withdrawn in view of applicant's amendment.

11. The objection to claim 14 is withdrawn in view of applicant's amendment.
12. The objection to claim 15 is withdrawn in view of applicant's amendment.
13. The objection to claim 17 is withdrawn in view of applicant's amendment.
14. The objection to claim 19 is withdrawn in view of applicant's amendment.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 1-10, 12, 14-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang USPN 6038333 in view of Randall et al. USPN 2004/0249846 A1.**
1-10, 12 and 14-19

As to claim 1, Wang discloses apparatus for obtaining personal information related to a target person (see fig. 2), comprising:

a user device comprising an image acquisition device for capturing an image of a target person (see figs. 2-3B);

a database of stored image data items each relating to one of a plurality of candidate persons, each image data item being associated with stored personal data relating to the respective candidate person (see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55);

a search engine for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto (**col. 2 lines 20-55 and col. 3 lines 53-55**), wherein a search is limited to candidate person image data items that relate to further user devices (see **col. 2 lines 20-55, col. 5 lines 13-14 and col. 5 lines 29-31**; the database stores each of a member of face images and personal identifying data associated with each of the face images; and the personal identifying data is retrieved from the databases based on an input of face image and comparison result of the inputted face image with the plurality of face images stored that is related to the further users face images and I/O devices 52-56), and an output device for presenting, to a user, the personal data relating to the target person (**col. 2 lines 20-55 and col. 3 lines 53-55**).

Wang does not explicitly teach control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person; and

wherein the search is limited to devices that are in the same geographical area as the user device.

However, Randall et al. discloses and control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person (see **claim 65 and par. 31-32**; the database is associated with a particular entity contact information (personal data) **CONTROLLED BY THE ENTITY** such that the contact information can be controlled a third party **par. 11-12** discloses wireless information devices used for content sharing or information distribution and database with access control information, **par. 14-15** describes dynamic database remote server data repository allowing sharing of data for queries and an entity Alice having information stored at the

server “or stored at the user's hard disk see par. 451” for sharing, e.g., phone numbers and address info., an entity Bob requesting and accessing Alice’s information and the entity enters personal info. onto the data structure associated with that entity... it/he/she define the access rights available to different defined categories of entities who may wish to read or write to the entity and see par. 128, 125 for buddy list and restricted access).

wherein the search is limited to devices that are in the same geographical area as the user device (see par. 508, 73, 17, 130, 125, 67, table 4 and 455; enabling authorized person devices to track the location of GPS wireless device user that provides access rights to authorized person devices by searching to the wireless device user that is in the same geographical area as the authorized person device ... searching in 1 mile radius/searcher’s current location and retrieving data in the searcher's area).

It would be obvious to one of ordinary skill in the art at the time of the applicant’s invention to modify Wang to allow the entity/Alice (candidate person) control personal information in providing access to a third person, e.g., the entity may want to block access to the age of the entity to the third person while allowing access to the entity email address. It would have been obvious to modify Wang to limit search to member data related to further user devices in the same location as the user devices for fast retrieval and efficient information sharing to the requester in the area.

As to claim 10, Wang discloses a portable device for obtaining personal information related to a target person (see fig. 2), comprising:

an image acquisition device for capturing an image of a target person (see figs. 2-3B);

means for accessing a remote database of stored image data items each of relating to one of a plurality of candidate persons, each image data item being associated with personal data relating to the respective candidate person (**see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55**);

means for retrieving the personal data relating to a candidate person for which the captured image data of the target person matches the stored image data item of the candidate person; an output device for presenting, to a user, the retrieved personal data relating to the target person (**col. 2 lines 20-55 and col. 3 lines 53-55**) the further portable devices together forming the remote database (**col. 2 lines 20-55, col. 5 lines 13-14 and col. 5 lines 29-31; the database stores each of a member of face images related to member devices and personal identifying data associated with each of the face images; and the personal identifying data is retrieved from the databases based on an input of face image and comparison result of the inputted face image with the plurality of face images stored**).

Wang does not explicitly teach control means to control third party access to the database of personal data relating to a candidate person; wherein the means for accessing and the means for retrieving include a wireless communication device that is adapted to communicate with a plurality of further portable devices; and

wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device.

However, Randall et al. explicitly teach control means to control third party access to the database of personal data relating to a candidate person (**see claim 65 and par. 31-32; the database is associated with a particular entity contact information (personal data)**

CONTROLLED BY THE ENTITY such that the contact information can be controlled a third party par. 11-12 discloses wireless information devices used for content sharing or information distribution and database with access control information, par. 14-15 describes dynamic database remote server data repository allowing sharing of data for queries and an entity Alice having information stored at the server “or stored at the user's hard disk see par. 451” for sharing, e.g., phone numbers and address info., an entity Bob requesting and accessing Alice's information and the entity enters personal info. onto the data structure associated with that entity... it/he/she define the access rights available to different defined categories of entities who may wish to read or write to the entity and see par. 128, 125 for buddy list and restricted access); wherein the means for accessing and the means for retrieving include a wireless communication device that is adapted to communicate with a plurality of further portable devices (see par. 21-22, 30-31, 49 and figs. 6-7), the further portable devices together forming the remote database (see par. 34, fig. 6 and 11-17; wireless information devices and database/persons storage system) and

wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device (see par. 34, 508, 73, 17, 130, 125, 67, table 4 and 455; enabling authorized person devices to track the location of GPS wireless device user that provides access rights to authorized person devices by searching to the wireless device user that is in the same geographical area as the authorized person device ... searching in 1 mile radius/searcher's current location and retrieving data in the searcher's area).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Wang to allow the entity/Alice (candidate person) control personal information in providing access to a third person, e.g., the entity may want to block access to the age of the entity to the third person while allowing access to the entity email address. It would have been obvious to modify Wang to limit search to member data related to further user devices in the same location as the user devices for fast retrieval and efficient information sharing to the requester in the area.

As to claim 14, Wang discloses a system for providing personal information related to a target person (see fig. 2), comprising:

a database of stored image data items each relating to one of a plurality of candidate persons, each image data item being associated with personal data relating to the respective candidate person (see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55);

means for receiving, from a remote user device including an image acquisition device, a captured image of a target person; a search engine for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto, wherein a search is limited to candidate person image data items that relate to further user devices (see col. 2 lines 20-55, col. 5 lines 13-14 and col. 5 lines 29-31; the database stores each of a member of face images and personal identifying data associated with each of the face images; and the personal identifying data is retrieved from the databases based on an input of face image and comparison result of the inputted face image with the plurality of face images stored that is related to the further users face images and I/O devices 52-56),

means for transmitting, to a remote output device, the personal data relating to the target person **(col. 2 lines 20-55 and col. 3 lines 53-55 and figs. 2-3B).**

Wang does not explicitly teach control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person; and

wherein the search is limited to devices that are in the same geographical area as the user device.

However, Randall et al. discloses and control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person **(see claim 65 and par. 31-32; the database is associated with a particular entity contact information (personal data) CONTROLLED BY THE ENTITY such that the contact information can be controlled a third party par. 11-12 discloses wireless information devices used for content sharing or information distribution and database with access control information, par. 14-15 describes dynamic database remote server data repository allowing sharing of data for queries and an entity Alice having information stored at the server “or stored at the user's hard disk see par. 451” for sharing, e.g., phone numbers and address info., an entity Bob requesting and accessing Alice's information and the entity enters personal info. onto the data structure associated with that entity... it/he/she define the access rights available to different defined categories of entities who may wish to read or write to the entity and see par. 128, 125 for buddy list and restricted access).**

wherein the search is limited to devices that are in the same geographical area as the user device **(see par. 508, 73, 17, 130, 125, 67, table 4 and 455; enabling authorized person devices to track the location of GPS wireless device user that provides access rights to**

authorized person devices by searching to the wireless device user that is in the same geographical area as the authorized person device ... searching in 1 mile radius/searcher's current location and retrieving data in the searcher's area).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Wang to allow the entity/Alice (candidate person) control personal information in providing access to a third person, e.g., the entity may want to block access to the age of the entity to the third person while allowing access to the entity email address. It would have been obvious to modify Wang to limit search to member data related to further user devices in the same location as the user devices for fast retrieval and efficient information sharing to the requester in the area.

As to claim 15, Wang discloses a method of obtaining information related to a target person (**see fig. 2**), comprising the steps of:

capturing an image of a target person, the image captured by a user device including an image acquisition device (**see figs. 2-3B**);

supplying image data from the captured image to a database of stored image data items each relating to one of a plurality of candidate persons, each image data item being associated with personal data relating to the respective candidate person (**see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55**);

searching the database to match the captured image of the target person with a candidate person image data item and retrieving the personal data relating thereto, wherein a search is limited to candidate person image data items that relate to further user devices (**see col. 2 lines**

20-55, col. 5 lines 13-14 and col. 5 lines 29-31; the database stores each of a member of face images and personal identifying data associated with each of the face images; and the personal identifying data is retrieved from the databases based on an input of face image and comparison result of the inputted face image with the plurality of face images stored that is related to the further users face images and I/O devices 52-56); outputting the personal data relating to the target person (col. 2 lines 20-55 and col. 3 lines 53-55).

Wang does not explicitly teach maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person; and wherein the search is limited to devices that are in the same geographical area as the user device.

However, Randall et al. discloses maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person (see claim 65 and par. 31-32; the database is associated with a particular entity contact information (personal data) CONTROLLED BY THE ENTITY such that the contact information can be controlled a third party par. 11-12 discloses wireless information devices used for content sharing or information distribution and database with access control information, par. 14-15 describes dynamic database remote server data repository allowing sharing of data for queries and an entity Alice having information stored at the server “or stored at the user’s hard disk see par. 451” for sharing, e.g., phone numbers and address info., an entity Bob requesting and accessing Alice’s information and the entity enters personal info. onto the data structure associated with that entity... it/he/she define

the access rights available to different defined categories of entities who may wish to read or write to the entity and see par. 128, 125 for buddy list and restricted access).

wherein the search is limited to devices that are in the same geographical area as the user device (see par. 508, 73, 17, 130, 125, 67, table 4 and 455; enabling authorized person devices to track the location of GPS wireless device user that provides access rights to authorized person devices by searching to the wireless device user that is in the same geographical area as the authorized person device ... searching in 1 mile radius/searcher's current location and retrieving data in the searcher's area).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Wang to allow the entity/Alice (candidate person) control personal information in providing access to a third person, e.g., the entity may want to block access to the age of the entity to the third person while allowing access to the entity email address. It would have been obvious to modify Wang to limit search to member data related to further user devices in the same location as the user devices for fast retrieval and efficient information sharing to the requester in the area.

As to claim 2, the combination teaches the apparatus in which the database is a distributed database, the candidate persons each having a portable device for storing their own image data items and personal data which may be accessed by the search engine using a wireless communication channel (see Wang col. 2 lines 20-55 and Randall claim 65 and par. 31-32). The rationale for combining is the same as claim 1 above.

As to claim 3, the combination discloses in which the control means comprises an access control function provided on each portable device (**Randall claim 65 and par. 31-32**). It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the references because the portable device can be searched by a search engine having an access control means on each device would allow the candidate person to have control over who has access to their personal information and will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation.

As to claim 4, the combination teaches in which the database includes a central repository accessible to a plurality of remote portable devices using said wireless communication channel (**see Randall par. 34, fig. 6 and 11-17; wireless information devices and database/persons storage system**). The rationale for combining is the same as claim 1 above.

As to claim 5, the combination teaches in which the control means is distributed control means, the candidate person each having a device for storing their own image data items and personal data onto the database and determining third party access rights thereto (**see Randall claim 65 and par. 31-32; the database is associated with a particular entity contact information (personal data) CONTROLLED BY THE ENTITY such that the contact information can be controlled a third party par. 11-12 discloses wireless information devices used for content sharing or information distribution and database with access control information, par. 14-15 describes dynamic database remote server data repository allowing sharing of data for queries and an entity Alice having information stored at the server "or stored at the user's hard disk see par. 451" for sharing, e.g., phone numbers and address info., an entity Bob requesting and accessing Alice's information and the entity**

enters personal info. onto the data structure associated with that entity... it/he/she define the access rights available to different defined categories of entities who may wish to read or write to the entity and see par. 128, 125 for buddy list and restricted access). The motivation to combine is the same as claim 1 above.

As to claim 6, Wang discloses a portable electronic device comprising the image acquisition device, output device and control means of claim 1 integrated into said portable electronic device (Wang column 8, lines 6-18).

As to claim 7, Wang discloses the apparatus of claim 6 in which the portable electronic device is any of a personal digital assistant, personal computer or mobile telephony device (Wang column 4, lines 1-10).

As to claim 6, the combination teaches in which the portable electronic device further includes communication means for communication with a remotely located database and the search engine (see Randall claim 65 and par. 31-32, 11-14, 451, 128, and 125). The motivation to combine is the same as claim 1 above.

As to claim 9, Wang discloses the apparatus of claim 1 in which the output device is a display device for displaying the personal data relating to the target person (Wang column 8, lines 19-31).

As to claim 12, Wang discloses a personal digital assistant, personal computer or mobile telephony device having integrated therein the portable device of claim 10 (Wang column 4, lines 1-10).

As to claim 19, Wang discloses a computer program product, comprising a computer readable medium having thereon computer program code means adapted, when said program is loaded onto a computing apparatus, to make the computing apparatus form the device of claim 10 (**Wang column 4, lines 1-10**).

17. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang USPN 6038333 in view of Randall et al. USPN 2004/0249846 A1. and further in view of Willins USPN 6990587.

As to claim 16, the modified Wang the method according to claim 15. The modified Wang does not explicitly teach and further comprising of the step of attaching a digital signature to said supplied image data.

However, Willins discloses and further comprising of the step of attaching a digital signature to said supplied image data (**Willins column 7, lines 4-24**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Willins because adding a digital signature or encrypting the data increases the security of the data (**Willins column 7, lines 4-24**).

As to claim 17, the modified Wang discloses the method according to claim 16. The modified Wang does not explicitly teach wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic.

However, Willins discloses wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic (**Willins column 7, lines 25-37**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Willins because to require that the signature be valid ensures that the data is coming from the right place (**Willins column 7, lines 25-37**).

As to claim 18, the modified Wang discloses the method according to claim 15. The modified Wang does not explicitly teach wherein said step of outputting personal data involves outputting encrypted personal data.

However, Willins discloses wherein said step of outputting personal data involves outputting encrypted personal data (**Willins column 5, lines 48-67**).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Willins because keeping the data encrypted during transmission increases the security of the transaction (**Willins column 5, lines 48-67**).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aggarwal et al. discloses a method of an on-line negotiations with dynamic profiling (see col. 2 lines 21-24). An online profile is generated when each customer is visiting an e-commerce site the first time by capturing information of the customer that includes **facial picture**, speech, body expression and etc. (see col. 4 lines 31-43 and col. 3 lines 39-54) and **geographical area** (see col. 2 lines 32-38). The customer uses telephone or cellular phone or any

other wired or wireless devices to negotiate and capture his information (see col. 51-62). Data is retrieved in response to query by image (see col. 7 lines 26-32) and profile data base is searched by search engine and the database search is based on/limited to customer's facial image that relates to the customers devices (cellular telephone) used to capture the customer's information that are the same geographical area as the customer's device (see col. 7 lines 37-col. 8 lines 8 and see figs. 5-8) that reads on wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELEN I. A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/
Primary Examiner, Art Unit 2436